



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,164	11/08/2005	Peter Martin Smit	130098-1000	9289
37058	7590	04/11/2008		
TIM HEADLEY GARDERE WYNNE SEWELL LLP 1000 LOUISIANA, SUITE 3400 HOUSTON, TX 77002			EXAMINER PRICE, CRAIG JAMES	
			ART UNIT	PAPER NUMBER
			3753	
			MAIL DATE	DELIVERY MODE
			04/11/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/533,164

Applicant(s)

SMIT, PETER MARTIN

Examiner

Craig Price

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Applicant's amendment overcomes the drawing objection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasugai et al. '818 in view of Mitchell (2,827,915).

Regarding Kasugai et al. disclose a valve assembly able to be mounted with a liquid container, the valve assembly comprising, a housing (12) having a passageway that extends through the housing and having openings for liquid in the container to pass in and out of the passageway, a breather float valve (71) mounted within the housing, the breather float valve movable with liquid level in the housing between an open position to allow gas to pass through the passageway and out of the housing between a closed position that prevents liquid from passing through the passageway and out of the housing (Col.14, Lns. 20-27, as the vehicle turns the liquid lifts the valve, when the vehicle is not turned the valve is open and gas passes through the opening) between an open position to allow gas to pass through the passageway and a closed position that prevents liquid from passing through the passageway, an liquid inlet (79), forming part of the housing, the liquid inlet allowing fluid to pass into the housing, and a relief

Art Unit: 3753

valve (at 39 and/or 50) that is movable between an open position and a closed position to allow pressure to be relieved from the container.

Regarding claim 3, Kasugai et al. disclose that the housing is cylindrical (Col. 5, Lns. 3-7).

Regarding claim 8, Kasugai et al. disclose that the breather float valve includes a rod (52) and breather float (32).

Regarding claim 9, Kasugai et al. disclose that a spring (53) engages the breather float valve.

Regarding claim 10, Kasugai et al. disclose that the relief valve includes a relief plate (39), a spring (31) and a cap (the top portion of 12 contacting spring 31).

Kasugai et al. disclose a fuel chamber (between 12 and 79) which is located adjacent the liquid inlet in which fuel is passed, although are silent to having an inlet float valve that includes a float and a stem, and a valve seal that is located adjacent the end of the stem, and a shelter is provided within the fuel chamber in which an end of the stem is located when the float valve assembly is in the open position, and an inlet float valve mounted within the housing, the inlet float valve movable between an open position that permits the flow of liquid through the liquid inlet and a closed position that prevents the flow of liquid through the liquid inlet.

Mitchell discloses an inlet float valve which teaches an inlet float valve mounted within a housing that includes a float (35) and a stem (26), and a valve seal (on the exterior of 28) that is located adjacent the end of the stem, and a

shelter (13) is provided within the fuel chamber in which an end of the stem is located when the float valve assembly is in the open position, the inlet float valve movable between an open position that permits the flow of liquid through the liquid inlet and a closed position that prevents the flow of liquid through the liquid inlet.

It would have been obvious to one of ordinary skill in the art at the time of invention to employ an inlet float valve that includes a float and a stem, and a valve seal that is located adjacent the end of the stem, and a shelter is provided within the fuel chamber in which an end of the stem is located when the float valve assembly is in the open position and where the inlet float valve movable between an open position that permits the flow of liquid through the liquid inlet and a closed position that prevents the flow of liquid through the liquid inlet as taught by Mitchell into the device of Kasugai et al. in order to "block the ingress of liquid into the container" (Col. 1, Lns. 37- 49).

Response to Arguments

3. Applicant's arguments, see amendment, filed 12/20/2007, with respect to the rejection(s) of claim(s) 1-3 and 8-10 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kasugai et al. '818 in view of Mitchell '915.

The lower float of Kasugai et al. is movable with liquid level when the vehicle turns the liquid lifts the valve. The port, at 65, is closed or opened by the float valve 71. When port 65 is open, gas will be allowed to exit the tank,

Art Unit: 3753

depending on pressure applied to valve 34. When port 65 is closed, liquid will not be allowed to exit the tank, as claimed. The float 71 is responsive to the liquid level in the tank.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig Price whose telephone number is (571) 272-2712. The examiner can normally be reached on 7AM - 5:30PM Mon-Thurs, Increased flex time.

Art Unit: 3753

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CP

7 April 2008

/John Rivell/
Primary Examiner, Art Unit 3753

/C. P./
Examiner, Art Unit 3753